

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

VALARIE B. PHILLIPS,

Plaintiff,

V.

METHODIST LEBONHEUR
HEALTHCARE, et al.,

Defendant.

No. 19-cv-02832-SHL-cgc

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

Before the Court is Magistrate Judge Claxton’s Report and Recommendation (“Report”), filed March 22, 2021, recommending dismissal of this action for failure to state a claim upon which relief may be granted. (ECF No. 20.) For the following reasons, the Report is **ADOPTED** and this case is **DISMISSED WITHOUT PREJUDICE**.

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for dismissal of an action for failure to state a claim. 28 U.S.C. § 636(b)(1)(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C. § 636(b)(1).

The deadline to object to the Report was April 5, 2020, and Plaintiff filed no objections. The Report outlines the ways in which the allegations fail to state a legal claim. (ECF No. 20.)

As for Plaintiff's age discrimination claim, the Report finds that Plaintiff must exhaust her administrative remedies before refiling. (ECF No. 20 at PageID 82.) The Court has reviewed the Report for clear error and finds none. Therefore, the Court **ADOPTS** the Magistrate Judge's Report. Plaintiff's claim is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 22nd day of April, 2021.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE